

**PLANNING BOARD MEETING MINUTES  
TUESDAY, APRIL 18, 2006**

**MEMBERS PRESENT:** Jay Cruz, Chair  
John DiPasquale  
Paul Fontaine, Jr.  
Mike Hurley  
Nancy Maynard  
Linda Nicholopoulos  
Yvette Cooks (associate member)

**MEMBERS ABSENT:** Paula Caron, Vice-Chair

**PLANNING OFFICE:** David Streb, Mike O'Hara

**Call to Order**

Meeting called to order at 6:05 p.m. in the Veteran's Room, First Floor, City Hall.

**Communications**

ZBA applications, agenda, minutes were passed out to the Board members.

**Correspondence**

Board of Appeals minutes, applications and decisions.

Proposed Zoning changes in Leominster and Lunenburg.

Certified letter from Benjamin Bldrs. requesting performance bond release for Victoria Lane (Mike said he will find out what a review would cost and ask Benjamin Builders for the money. Mike will make a list of issues and sent to Mr. Cruz for review.

**Meeting Minutes**

Motion made and seconded to approve minutes of the March 21 meeting as amended by Ms. Caron.  
Vote unanimous to approve.

**ANR plans**

The Board reviewed the following "ANR" plans:

Larkin, 8-10 Taft St.

Plan had been revised from previous meeting. The 5,000 sq. ft. Lot 3 will be proposed as an "infill lot" in the future. A note was added to the plan stating that Lot 3 was not a building lot. A note has been added stating that "endorsement does not mean compliance w/ zoning".  
Plan was endorsed.

Bidleman, Clyde & Summer Streets

Split off conforming lot from house at 227-229 Summer Street.  
Plan was endorsed.

JCJ, Inc., Arn-How Farm Road

Additional 70 feet +/- to be added to rear of existing Lots 11-14, Arn-How Farm Road to enable dwellings and septic systems to be located out of wetland buffer zone.  
Plan was endorsed.

#### Tully, Shattuck Road

Asst. City Solicitor John Barrett present. Atty. Burgoyne and Gary Shepard, David E. Ross Assocs. and the applicant Dawn Tully also present.

Atty. Burgoyne made a brief presentation regarding the ANR plan. Two lots (6 & 7) proposed with proposed frontage on Shattuck Rd. Board reviewed 4-18-06 memo from City Solicitor Phillips, which concluded that Shattuck Road is not a public way.

Dawn Tully said that they requested an opinion from the City Solicitor asking whether it's a public way and she didn't respond. Mr. Burgoyne said that they accept that the balance of Shattuck Road is not passable and not worthy of ANR endorsement.

Gary Shepherd said the evidence is that the list published by the City Clerk says it's a public way, so it's a public way.

Mr. Fontaine said that the last time the Board considered an ANR plan proposing lots on Shattuck Road, the Board determined that the road wasn't passable, and it still hasn't been improved, so it should be denied.

Atty. Burgoyne said that his client will permit an extension of time by which the Board must act until May 19<sup>th</sup>.

#### **MINOR SITE PLAN REVIEW**

None

#### **PUBLIC HEARINGS**

##### **Definitive Subdivision Plan - Tully, "Shattuck Estates", Ashby West Rd. (cont'd from 2-21-06)**

Attorney Burgoyne made a brief presentation, saying that the two-lot subdivision was designed to be approved without waivers.

Water Department had submitted comments in March.

Public Hearing closed. Board members briefly discussed.

Performance guarantees.

Motion made (Mr. Hurley) and seconded (Mr. Fontaine) to approve two lot definitive plan with usual conditions, performance guarantee, etc. Vote unanimous to approve.

##### **Proposed Zoning Ordinance amendment - increase "infill lot" size to 7,500 sq. ft.**

Hearing opened. Petition proposed to increase the minimum lot size from 5,000 to 7,500 square feet and to require that "the parcel was previously built upon". The Board reviewed a list of the all the infill lots that have been applied for and how many were approved, lot sizes, etc.

Councillor Donnelly spoke in favor of changing the lot size only for Residence B, but not Residence C district.

Councillor Kaddy conceded knowledge to Tom Donnelly, but when the infill lot on Smith Street was built on the house it shaded the deck of the adjacent property.

Mr. Donnelly suggested that the Planning Board wait to hear from Councillor Hay who was not present.

Mr. Fontaine spoke in favor of leaving the infill lot section law as it is. He said Plymouth Street and Habitat for Humanity projects couldn't have happened with the changes.

Mr. Fontaine said it's important that City Council knows that the Planning Board has been very cautious about approving lot splits. The Planning Board needs to retain the ability to do so on a case by case basis.

The public hearing was closed. Voted 5-1 to recommend against the amendment.

##### **Modification of Special Permit - "Fairway Homes" condos, Arn-How Farm Rd (cont'd from 3-21-06)**

The public hearing re-opened at 7:45 p.m.

Jim Cahn of JCJ present. Discussion on amendment to Special Permit conditions as listed in Ralph Romano's letter.

Discussion on:

- Fire Department permit
- \$4 per gallon payment for I & I removal present
- Applicant taking over the operation of the School Department pump station assuming it is legal for JCJ to use the pump station, then JCJ would upgrade the station to meet demand for all three phases of development, then JCJ would be responsible for capital repairs over \$1,000 and that JCJ would pay an amount to be determined for maintenance.
- JCJ to obtain DPW & DEP approval of tie-in to high school
- New plan to show reconfigured roadway, and items 11-13 in original decision

Mr. Fontaine made a motion to approve modifications subject to conditions discussed above.

Ms. Maynard seconded. Vote: Unanimous to approve.

**Site Plan Review - Fitchburg Affordable Housing Corp., 470 Main St. (Banknorth bldg.) conversion to 31 residential units (cont'd from 3-21-06)**

Hearing re-opened. Marc Dohan, Exec. Director, Marianne Graham, CDC's Director of Housing Development and architect continued discussion on conversion to 31 units, all one and two bedrooms. Will use Historic Tax Credit financing. Marianne Graham presented floor plan, rear site plan. Board reiterated its desire for two parking spaces per unit.

Mr. Cruz said they need to see the rear (Boulder Drive) facade – more developed plans that show handicapped access, hallways, lighting, landscaping, parking, traffic flow, parking lot improvements. Hearing continued to May 16<sup>th</sup> meeting.

**Special Permit - Aldrich Auto Body & Repair, 209 Lunenburg St., office trailer**

Hearing opened. Angel Aldrich (property owner) presented proposal for an 8' x 20' small office trailer for "KB Cars". The additional Class II license on the premises requires a separate entrance, per state regulations. Sketch plan of the site reviewed. Sales trailer is on site already.

No comments from the public. Public hearing closed.

Motion made (Mr. Fontaine) and seconded (Mr. Hurley) to approve Special Permit subject to a review after one year. Vote 7-0 to approve.

**Special Permit renewal - Bay Communications, Wanoosnoc Rd. wireless communication tower**

Atty. Edward Pare of Brown Rudnick presented request.

Mr. DiPasquale stated we've had problems with the bridge and that nothing has improved.

A letter from Gary Bevilacqua of Engineering to DPW Commissioner Denis Meunier was read aloud pursuant to the lack of paving at the bridge.

Public comment:

Larry Zarella, 101 Olin Avenue – he's been associated with telecom companies for 40 years. He thinks Bay Communication installation is the worst he's ever seen. Site's gate is never closed, from access to abutters.

Keith Dooling, Wanoosnoc Rd. showed pictures of a crane at the tower and no plate over the culvert.

Public Hearing closed.

Ms. Maynard & Mr. DiPasquale: not in favor of renewal unless issues are addressed.

Mr. Fontaine read aloud a memo from DPW Commissioner dated 3/21/05 re: visit by DPW-Engineering that revealed cracking in road over culvert. Board requested that DPW-Engineering check out the culvert & road and identify areas to be corrected. Hearing continued to May 16<sup>th</sup>.

**OTHER BUSINESS**

Minor revisions - IC Credit Union site plan, 530 Electric Ave.

Minor revision to footprint of parking area due to unforeseen site conditions

Motion made & seconded to approve modification to site plan as revised (date). Vote unanimous to approve.

Conceptual plan - Oakland Ave., McSweeney

Ed McSweeney has several parcels under agreement -- wanted to run conceptual plan by the Board for feedback.

Said they needed three units on each parcel because they have to run water & sewer to the units on both streets. Gary Bevilacqua had met with them on site and explained what they'd need.

Mr. Fontaine felt it was too many units.

Mr. Cruz felt it was too dense.

Mike O'Hara: does project work if they are duplexes instead of 3-family?

McSweeney: how many units would Board go for? Maybe he can do one 3-family three 2-famil.

Mr. Fontaine – show us pictures – we care what they look like.

Conceptual plans - McCarty Assocs.

West/Sheldon St.

18 units – 1,600 square feet, each with own garage with driveway. 3.8 units/acre.

They don't want to tie in to the city's trail system, but have a separate walking path.

Am Legion, Daniels/Beech Street

Two scenarios -- condos or single-family detached. Access for Beech St. only -- access too steep from other streets.

Meeting adjourned: 10:20 p.m.

*Next meeting: May 16, 2006*

*Approved: May 16, 2006*